

REMARKS

Claims 1-25 are pending. By this Amendment, claims 1-4, 10-12, 15, 16 and 19 are amended and claims 20-25 are added. Support for the features recited in amended claims 1, 12 and 16 and added claims 23-25 can be found in paragraph [0034], for example, where a route averting from roads that are unsuitable in practice for driving, such as a mountain road or a curved road, is searched. In other words, only mountain roads (with changes in altitudes greater than a predetermined value), only curved roads, or both mountain roads and curved roads are searched. No new matter is added.

In response to the Election of Species Requirement, Applicants provisionally elect Species II. Applicants assert that claims 1, 5, 11-13, 15-17, 19 and 23-25 read on elected Species II. Applicants also assert that claims 1, 12 and 16 are generic to all Species.

It is respectfully submitted that the subject matter of all species is sufficiently related that a thorough search for the subject matter of the elected species would encompass a search for the subject matter of the remaining species. A search for a navigation system, program and storage medium that detects a road having a greater change in altitude than a predetermined value from the first route would encompass a search for a navigation system, program and storage medium that detects curves. The Office Action has also failed to identify why the species are distinct or why a search for one species would not encompass a search for the other species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden.

See MPEP §803 in which is stated that "If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (Emphasis added). It is respectfully submitted that this policy should apply in the present application to avoid

unnecessary delay and expense to Applicants and duplicative examination by the U.S. Patent and Trademark Office.

In view of the foregoing, it is respectfully submitted that claims 1-25 can be examined without undue burden on the Examiner. Accordingly, it is respectfully requested that the Election of Species Requirement be withdrawn.

Respectfully submitted,



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Attachment:
Amendment Transmittal

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